

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Vie Luxe International, LLC and
Marjorie Gubelmann Raein

V.

Daniel Benedict, Daniel Benedict Design, Inc.,
and Michele Brown

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 08 Civ. 5023 (L.A.P.)

TO: (Name and address of Defendant)

Michele Brown
400 East 55th Street
New York, New York 10022

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Seward & Kissel LLP
One Battery Park Plaza
New York, NY 10004

Attention: Mark J. Hyland
Anne C. Patin
Julia C. Spivack

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUN 23 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Vie Luxe International, LLC and Marjorie
Gubelman Raein,

Plaintiff(s),

Index No. 08 CIV. 5023

-against-

Daniel Benedict, Daniel Benedict Design, Inc.
and Michele Brown,

Defendant(s).

AFFIDAVIT OF SERVICE

-----X
STATE OF NEW YORK)

S.S.:

COUNTY OF NEW YORK)

HOWARD D. GOLDMAN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS., Inc., and is not a party to this action.

That on the 25th day of June 2008, at approximately the time of 7:20 p.m., deponent attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, AMENDED COMPLAINT, CIVIL COVER SHEET, JUDGES' RULES, ELECTRONIC CASE FILING RULES & INSTRUCTIONS AND RULE 7.1 STATEMENT** upon Michele Brown at 400 East 55th Street, New York, NY 10022. The concierge called up to the apartment, but received no response.

That on the 26th day of June 2008, at approximately the time of 8:55 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, AMENDED COMPLAINT, CIVIL COVER SHEET, JUDGES' RULES, ELECTRONIC CASE FILING RULES & INSTRUCTIONS AND RULE 7.1 STATEMENT** upon Michele Brown at 400 East 55th Street, New York, NY 10022, again the concierge called up to the apartment, but received no response.

That on the 28th day of June 2008, at approximately the time of 10:10 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, AMENDED COMPLAINT, CIVIL COVER SHEET, JUDGES' RULES, ELECTRONIC CASE FILING RULES & INSTRUCTIONS AND RULE 7.1 STATEMENT** upon Michele Brown at



400 East 55th Street, New York, NY 10022, again the concierge called up to the apartment, but received no response.

That on the 1st day of July 2008, at approximately the time of 7:30 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, AMENDED COMPLAINT, CIVIL COVER SHEET, JUDGES' RULES, ELECTRONIC CASE FILING RULES & INSTRUCTIONS AND RULE 7.1 STATEMENT** upon Michele Brown at 400 East 55th Street, New York, NY 10022. The concierge said "she's Ms. Brown is not home". Deponent knocked on the front door and rang the doorbell receiving no response.

At that time, therefore, deponent served a true copy of the foregoing papers upon Michele Brown by firmly affixing same conspicuously on the front door at that address, the actual place of residence.

That on the 2nd day of July 2008, deponent served another copy of the foregoing upon Michele Brown at 400 East 55th Street, New York, NY 10022, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.


HOWARD D. GOLDMAN #932192

Sworn to before me this
3rd day of July 2008


NOTARY PUBLIC

JONATHAN T. RIPPS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01RI6109718
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 17, 2012



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Vie Luxe International, LLC and Marjorie
Gubelman Raein,

Plaintiff(s),

-against-

Daniel Benedict, Daniel Benedict Design, Inc.
and Michele Brown,

Defendant(s).

Index No. 08 CIV. 5023

**AFFIDAVIT OF
ATTEMPTED SERVICE**

-----X
STATE OF NEW YORK)

S.S.:

COUNTY OF NEW YORK)

HECTOR FIGUEROA, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS., Inc., and is not a party to this action.

That on the 24TH day of June 2008, at approximately the time of 3:30 p.m., deponent attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, AMENDED COMPLAINT, CIVIL COVER SHEET, JUDGES' RULES, ELECTRONIC CASE FILING RULES & INSTRUCTIONS AND RULE 7.1 STATEMENT** upon Michele Brown at 400 East 55th Street, New York, NY 10022. The concierge called up to the apartment, but received no response.

HECTOR FIGUEROA #870141

Sworn to before me this
3rd day of July 2008

NOTARY PUBLIC

JONATHAN T. RIPPS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01R16109718
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 17, 2012